

Notice of Allowability

Application No.

10/763,293

Examiner

Amel C. Lavarias

Applicant(s)

BEAUMONT, MATT

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/26/05, 1/27/05, 3/28/05.
2. ☒ The allowed claim(s) is/are 12-16 (renumbered 1-5).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by (the attached Examiner's Amendment) Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/28/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


THONG NGUYEN
PRIMARY EXAMINER
GROUP 2800

DETAILED ACTION

Drawings

1. The drawings were received on 1/26/05 and 1/27/05. These drawings changes to Figure 2 are approved.
2. A new corrected, formal drawing of Figure 2 in compliance with 37 CFR 1.121(d) is required in this application because the submitted drawings of Figure 2 received on 1/26/05 and 1/27/05 appear to be marked-up copies of the amended figure. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Response to Amendment

3. The amendments to the specification of the disclosure in the submissions dated 1/26/05 and 1/27/05 are acknowledged and accepted. In view of these amendments, the objections to the specification in Section 7 of the Office Action dated 11/26/04 are respectfully withdrawn.
4. The amendments to Claims 12-16 in the submissions dated 1/26/05 and 1/27/05 are acknowledged and accepted. In view of these amendments, the objections to the specification and claims in Sections 8-9 of the Office Action dated 11/26/04 are respectfully withdrawn.

Oath/Declaration

5. The submission of the partial application data sheet showing the proper filing date of the 60/181525 application is acknowledged. As per 37 CFR 1.76(d)(1), the information on the partial application data sheet appears to obviate the objections to the oath or declaration as being defective (See Section 3 of the Office Action dated 11/26/05). However, since a full copy of the application data sheet is not of record, the Examiner has requested (See attached Interview Summary dated 3/28/05) that a complete copy of the application data sheet be provided, so as to be made of record and fulfill the requirements set forth in 37 CFR 1.76(d)(1). The Examiner notes that the above requested application data sheet, filed 3/31/05, has been received and will be processed so as to be made of record.

Allowable Subject Matter

6. Claims 12-16 are allowed.

EXAMINER'S AMENDMENT

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Art Unit: 2872

Authorization for this examiner's amendment was given in a telephone interview with Bing Ai (858-678-5070) on 3/28/05 (See attached Interview Summary dated 3/28/05).

The application has been amended as follows:

Claim 16, line 3, after "wherein said", change "determining differences" to -- compensating--.

8. The following is an examiner's statement of reasons for allowance:

Claims 12-16 are allowable over the cited art of record for at least the reasons as set forth previously in Section 10 of the Office Action dated 11/26/04.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnel C. Lavarias
3/28/05



THONG NGUYEN
PRIMARY EXAMINER
GROUP 2800